

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Richard Demarcus Rosemond,

PLAINTIFF

v.

Berkshire Hathaway, In., Home  
Services Corporation, D. Dan Joyner,

DEFENDANTS

Case No. 6:21-cv-00223-TLW

**Order**

Plaintiff Richard Demarcus Rosemond, proceeding *pro se*, filed this civil action alleging “civil tort (wrongdoing)” and “breach of contract” seeking damages from the defendants. ECF No. 1. The defendants filed a motion to dismiss pursuant to Rules 8 and 12(b)(1) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction. ECF No. 6. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 8. In the Report, the magistrate judge recommends that the defendants’ motion be denied without prejudice as premature. *Id.* at 2. Neither party filed objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198,

200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 8, is **ACCEPTED**. The defendant’s motion to dismiss, ECF No. 6, is **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Senior United States District Judge

February 22, 2021  
Columbia, South Carolina